

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37686 of 2023

Arising Out of PS. Case No.-92 Year-2022 Thana- HUSSAINGANJ District- Siwan

Md. Minhaj @ Sallu @ Minhaj Ahmad, aged about ___ years, Male, son of Late Mustak Ahmad, resident of village- Habibpur, P.S.- Barharia, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amir Alam, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Hussainganj PS Case No.92 of 2022 dated 05.04.2022, instituted for the offence punishable under Sections 302, 120-B, 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that the informant, who was contesting election of MLC as independent candidate, was returning his parental home on 04.04.2022 from his Endeavour vehicle along with his followers and on the way, some people started firing resulting in death of one person. It is alleged that the eight FIR named accused persons have committed the offence.



4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR and only on the basis of confessional statement of Azad Ansari, the petitioner has been made accused in this case. Nothing has been recovered from his possession. Learned counsel further submits that similarly situated co-accused have been granted bail by co-ordinate Benches of this Court by order dated 20.12.2022 and 25.05.2023 passed in Cr. Misc. No. 59079 of 2022 and Cr. Misc. No. 16922 of 2023 respectively. Lastly, it is submitted that the petitioner is in custody since 01.04.2023 in this case and charge-sheet has been submitted in the case. The petitioner has criminal antecedents of one case.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the ACJM- IX, Siwan, in Hussainganj PS Case No.92 of 2022, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason,



his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

J. Alam/-

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